

**A RESOLUTION BY**

**CITY UTILITIES COMMITTEE**

**02-R-2073**

**A RESOLUTION AUTHORIZING THE MAYOR TO  
EXECUTE AN AMENDMENT TO THE  
RIVER/LAKE MANAGEMENT SERVICES  
AGREEMENT AUTHORIZED BY RESOLUTION 01-  
R-0576 AND FOR OTHER PURPOSES.**

**WHEREAS**, pursuant to Resolution 01-R-0576, an Agreement for River/Lake Management Services ("the Service Agreement") was renewed by and between the City of Atlanta ("City"), the Atlanta Regional Commission ("ARC"), the Atlanta-Fulton County Water Resources Commission ("AFWRC"), Cobb County-Marietta Water Authority ("CCMWA") and DeKalb County ("DeKalb") (collectively referred to as "the Participants"); and

**WHEREAS**, under the Service Agreement the Atlanta Regional Commission acts as the agent of the Participants in facilitating the release of water from Lake Lanier and Morgan Falls Dam to enable the withdrawal of water from the Chattahoochee River by the Participants for municipal and industrial water supply needs, such activities being referred to in the Service Agreement as the "project"; and

**WHEREAS**, the Service Agreement anticipated and indicated that the Participants would have to bear future costs imposed by the U.S. Government for the benefits derived from the project, such as the benefit of water storage; and

**WHEREAS**, to facilitate river/lake management services under the Service Agreement and provide for existing water supply needs, including reasonable increases, the Atlanta Regional Commission plans to enter into a Water Supply Agreement ("Supply Agreement") with the U.S. Army Corps of Engineers to pay for the cost of the use of storage imposed by the U. S. government; and

**WHEREAS**, the said costs are being imposed as a result of the settlement of a lawsuit filed by Southeastern Federal Power Customers, Inc. ("SeFPC") against the U.S. Army and the Army Corps of Engineers (the "Army"), styled *Southeastern Federal Power Customers, Inc. v. Caldera, et al.*, Civil Action File 1:00-CV-02975, U.S. District Court for the District of Columbia, in which the Participants (who were not parties to the lawsuit) met with and mediated with the parties and, in that same capacity and to preserve the benefits conferred by said settlement, will sign the Settlement Agreement; and

**WHEREAS**, the City of Atlanta desires to reaffirm the obligations and responsibilities carried out under the Service Agreement previously authorized by Resolution 01-R-0576 and to amend the Service Agreement to authorize the Atlanta Regional Commission to negotiate and contract for the use of water storage in the Lake Lanier Project at a projected annual cost to the City of Atlanta of Two Hundred Twenty-Five Thousand and 001/100 Dollars (\$225,000) to provide for current and future water supply; and

**NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, that the Mayor be, and is hereby, authorized on behalf of the City of Atlanta to execute any and all documents necessary to effectuate the purposes of this resolution including, specifically, an amendment to the said Service Agreement for River/Lake Management Services by and between the City of Atlanta, the Atlanta Regional Commission, the Atlanta-Fulton Water Resources Commission, Cobb County-Marietta Water Authority and DeKalb County for the purposes described hereinabove and the Settlement Agreement by which the Participants will use water storage space in Lake Lanier for water supply as set forth above.

**BE IT FURTHER RESOLVED**, that the City of Atlanta Chief Financial Officer is authorized to make appropriate payment for services rendered under the amendment to this Service Agreement as budgeted by the Department of Watershed Management and paid from account number 2J01 524001 Q21101 in an amount not to exceed Two Hundred and Twenty-Five Thousand and 00/100 Dollars (\$225,000.00), comprised of \$150,000.00 for Atlanta's intake and \$75,000.00 for Atlanta's portion of the Atlanta-Fulton Water Resources Commission's intake.

**BE IT FURTHER RESOLVED**, that the City Attorney is directed to prepare an amendment to the said Agreement for River/Lake Management Services for execution by the Mayor, containing terms and conditions appropriate and/or legally required for this transaction and approved by the City Attorney as to form.

**BE IT FURTHER RESOLVED**, that the amendment to the Service Agreement will not become binding upon the City and the City will incur no liability under it until the Mayor has executed it, it has been attested to by the Municipal Clerk and delivered to the other signatories to the Service Agreement.

**Two Hundred Seventy Nine and no/100 Dollars (\$124,279)**, shall be paid in six equal monthly payments, each payment due on the first business day of each calendar month beginning January 2, 2003.

2. The District shall use such dues in accordance with the budget of the District adopted at the meeting of the Board on June 6, 2002.

In witness whereof the parties, acting through their authorized representatives acting within the scope of their delegate powers, have caused to be set their hands and seals this the day and date first above set out.

METROPOLITAN NORTH GEORGIA  
WATER PLANNING DISTRICT

CITY OF ATLANTA,  
GEORGIA

\_\_\_\_\_  
JOEL H. COWAN  
Chief Executive Officer/Chair

\_\_\_\_\_  
SHIRLEY FRANKLIN  
Mayor, City of Atlanta

ATTEST:

\_\_\_\_\_  
J. T. WILLIAMS  
Secretary/Treasurer

\_\_\_\_\_  
NAME

**TRANSMITTAL FORM FOR LEGISLATION**

**TO MAYOR'S OFFICE: GREG PRIDGEON**

Commissioner Signature: Jack E. Ravansky

From: Originating Dept. Watershed Management Contact (names): Melinda Langston  
X6773

Committee(s) of Purview: CUC

Committee Deadline: \_\_\_\_\_

Committee Meeting Date (s) \_\_\_\_\_

City Council Meeting Date: \_\_\_\_\_

**CAPTION:**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE METROPOLITAN NORTH GEORGIA WATER PLANNING DISTRICT AND TO MAKE PAYMENTS ON A PER CAPITA BASIS TO FUND THE ACTIVITIES OF THE DISTRICT.

**BACKGROUND/PURPOSE/DISCUSSION:**

Authorizes agreement for year 2003 annuals dues payments to MNGWPD

**FINANCIAL IMPACT (If any):**

\$229,061 to be paid from Water & Sewer Revenue Funds

Mayor's Staff Only

Received by Mayor's Office: 11/4/02 Reviewed: JS  
(Date) (Initials) (Date)

Submitted to Council: \_\_\_\_\_  
(Date)

Action by Committee:      Approved      Adversed      Held      Amended  
     Substitute      Referred      Other